



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,057	06/01/2000	Joseph H. Holland	AAC-100US	5732

7590 05/21/2003

Mary Jane Boswell
Morgan Lewis & bockius LLP
1111 Pennsylvania Ave., N.W.
Washington, DC 20004

EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT PAPER NUMBER

3624

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,057

Applicant(s)

HOLLAND ET AL.

Examiner

Narayanswamy Subramanian

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-4, drawn to a computer implemented method controlling a commercial environment, comprising the steps of defining which members are included in at least one of communities, defining which of traders are included in which of said members, and allowing at least one of said traders to authorize at least one of interaction between a first of said traders and a second of said traders, and interaction between a first of said members and a second of said members, classified in class 705, subclass 37.

II. Claims 5-8, drawn to a method of controlling a commercial environment of traders, members and communities, comprising the steps of defining which of said members are included in at least one of said communities, defining which of said traders are included in at least one of said communities, defining which of at least one of said members is linked to at least one of another of said members in said community, defining which of at least one of said traders is linked to said at least one of said communities and allowing ones of said traders and ones of said members to interact within the at least one of the communities, classified in class 705, subclass 37.

III. Claims 9-11, drawn to a method of controlling a commercial environment of traders, members and communities, comprising the steps of creating a database, restricting access of at least one of said traders to a portion of said database based on relationship between a trader and a member and relationship between a trader and a trader, classified in class 705, subclass 37.

IV. Claims 12-15, drawn to an apparatus for controlling a commercial environment of traders, members and communities comprising a members table for defining which of said plurality of members are included in at least one of said communities, a traders table for defining which of said plurality of traders are included in which of said plurality of members, and an authorization table for allowing at least one of said traders to authorize at least one of interaction between a first of said traders and a second of said traders, and interaction between a first of said members and a second of said members, classified in class 705, subclass 37.

V. Claims 16-19, drawn to a computer system for controlling a commercial environment of traders, members and communities comprising a members table for defining which of said members are included in at least one of said communities, a traders table for defining which of said traders are included in at least one of said communities, a further members table for defining which of at least one of said members is linked to at least one of another of said members in said community and a further traders table for defining which of at least one of said traders is linked to said at least one of said communities, wherein ones of said traders and ones of said members interact within the at least one of the communities based on definitions included in said members table, said traders table, said further members table and said further traders table, classified in class 705, subclass 37.

VI. Claims 20-22, drawn to a computer system for controlling a commercial environment of traders, members and communities comprising a database which indicates restricting of access of at least one of said traders to a portion of said database based on at least one of a first definition of a first relationship between said trader to at least one of said members, a second definition of a second relationship between said trader to at least one of another of said

Art Unit: 3624

traders and a processing unit for restricting of access based on contents of said database, classified in class 705, subclass 37.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a computer implemented method controlling a commercial environment, comprising the steps of defining which members are included in at least one of communities, defining which of traders are included in which of said members, and allowing at least one of said traders to authorize at least one of interaction between a first of said traders and a second of said traders, and interaction between a first of said members and a second of said members, whereas invention II relates to a method of controlling a commercial environment of traders, members and communities, comprising the steps of defining which of said members are included in at least one of said communities, defining which of said traders are included in at least one of said communities, defining which of at least one of said members is linked to at least one of another of said members in said community, defining which of at least one of said traders is linked to said at least one of said communities and allowing ones of said traders and ones of said members to interact within the at least one of the communities. See MPEP § 806.05(d). Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Inventions III and I are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be

Art Unit: 3624

separately usable. In the instant case, invention I relates to a computer implemented method controlling a commercial environment, comprising the steps of defining which members are included in at least one of communities, defining which of traders are included in which of said members, and allowing at least one of said traders to authorize at least one of interaction between a first of said traders and a second of said traders, and interaction between a first of said members and a second of said members, whereas invention III relates to a method of controlling a commercial environment of traders, members and communities, comprising the steps of creating a database, restricting access of at least one of said traders to a portion of said database based on relationship between a trader and a member and relationship between a trader and a trader. See MPEP § 806.05(d). Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III, restriction for examination purposes as indicated is proper.

Inventions IV and I are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a computer implemented method controlling a commercial environment, comprising the steps of defining which members are included in at least one of communities, defining which of traders are included in which of said members, and allowing at least one of said traders to authorize at least one of interaction between a first of said traders and a second of said traders, and interaction between a first of said members and a second of said members, whereas invention IV relates to an apparatus for controlling a commercial environment of traders, members and communities comprising a members table for defining which of said plurality of members are included in at least one of

Art Unit: 3624

said communities, a traders table for defining which of said plurality of traders are included in which of said plurality of members, and an authorization table for allowing at least one of said traders to authorize at least one of interaction between a first of said traders and a second of said traders, and interaction between a first of said members and a second of said members. See MPEP § 806.05(d). Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group IV, restriction for examination purposes as indicated is proper.

Similarly other pairing of inventions stated above are related as sub combinations disclosed as usable together in a single combination. These inventions are distinct from each other as can be evident from the definition of the groups described above. Also they require separate searches and hence restriction of these inventions for examination purposes as indicated is proper.

3. A telephone call was made to Mary Jane Boswell on May 2, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.
4. Applicant is advised that reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or

Application/Control Number: 09/585,057

Page 7

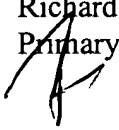
Art Unit: 3624

Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703) 305-7687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian

May 9, 2003

Richard Weisberger
Primary Examiner

A handwritten signature in black ink, appearing to be 'R. Weisberger', is written over the printed name 'Richard Weisberger'.